

Staff Summary Report



Hearing Officer Hearing Date: September 18, 2007

Agenda Item Number: 10

SUBJECT: This is a public hearing for a request by **BODY ALTER PLLC (PL070381)** located at 1445 East Guadalupe Road for one (1) use permit.

DOCUMENT NAME: 20070918dsjc03

PLANNED DEVELOPMENT (0406)

SUPPORTING DOCS: Yes

COMMENTS: Hold a public hearing for a request by **BODY ALTER PLLC (PL070381)** (Caryn Braunstein, applicant; ABA Office Corporation, property owner) located at 1445 East Guadalupe Road, Suite No. 201 in the R/O, Residential/Office District for:

ZUP07130 Use permit for a massage therapist.

PREPARED BY: Jon Christopher, Planner II (480-350-8436)

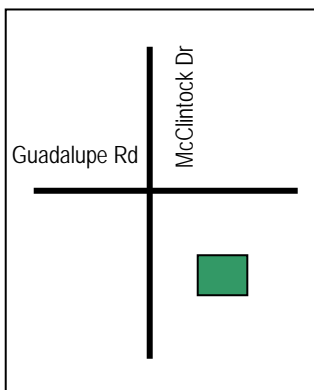
REVIEWED BY: Steve Abrahamson, Planning & Zoning Coordinator (480-350-8359) *SEA*

LEGAL REVIEW BY: N/A

FISCAL NOTE: N/A

RECOMMENDATION: Staff – Approval subject to Conditions 1- 9

ADDITIONAL INFO: The Body Alter, PLLC is requesting approval of a use permit to allow a massage therapy business located at 1445 East Guadalupe Road in the (R/O) Residential / Office District. The proposed business will occupy approximately 483 s.f. of space within an existing office building. Staff is recommending approval of the request with conditions. To date, there has been no public input.



PAGES:

1. List of Attachments
2. Comments;
3. Reason(s) for Approval; Conditions of Approval; History & Facts
4. Description; Zoning & Development Code Reference

ATTACHMENTS:

1. Location Map(s)
2. Aerial Photo(s)
3. Letter of Intent
4. Site plan
5. Floor plan
- 6-10. Staff Photograph(s)

COMMENTS:

The Body Alter, PLLC is requesting approval of a use permit to allow having massage therapy business. The proposed business will occupy approximately 483 s.f. of space within an existing office building. The business suit will occupy a lobby, closet and two rooms within the balance of the area.

The site is located east of Lakeshore Drive on the south side of Guadalupe Road within the R/O, Residential / Office District. To the south, east R1-4 and west R1-6 are Single – Family Residential Districts. Just to the north is the La Tierra Condominiums, (R-3R) Multi-Family Zoning.

The proposed “by appointment only” hours of operation are by appointment only Monday through Friday from 9:00 a.m. to 8:00 p.m., Saturday 9:00 a.m. to 8:00 p.m. and Sunday 11:00 a.m. to 3:00 p.m. The business will have two (2) licensed massage therapists and one business manager. The practice at this proposed location will include the following; Deep tissue Massage, Ashiatsu Massage and Hot Stone Therapy.

To date, there has been no public input.

Use Permit

The Zoning and Development Code requires a massage therapy to obtain a use permit in the R/O, Residential / Office District. This use permit request meets all applicable tests in the following manner:

Evaluating the use permit, the proposal appears to pass the use permit test listed below:

- a. Any significant increase in vehicular or pedestrian traffic in adjacent areas;
 - There will be no significant increase in vehicular or pedestrian traffic in adjacent areas.
- b. Nuisance arising from the emission of odor, dust, gas, noise, vibration, smoke, heat, or glare at a level exceeding that of ambient conditions;
 - This is a personal training studio; there should be minimal nuisances within this industrially zoned area.
- c. Contribution to the deterioration of the neighborhood or to the downgrading of property values which is in conflict with the goals, objectives or policies for rehabilitation, redevelopment or conservation as set forth in the City's adopted plans, or General Plan;
 - The proposed development would not contribute to neighborhood deterioration or downgrade property values. This use permit request is consistent with the General Plan 2030's Land Use Element. The requested use permit will not be detrimental to the surrounding area, but will further the General Plan Land Use Element Goals and Strategies.
- d. Compatibility with existing surrounding structures and uses;
 - The proposed use appears to be compatible with surrounding uses.

Conclusion

Staff recommends approval of the request for the use permit subject to the attached conditions of approval.

**REASON(S) FOR
APPROVAL:**

1. Traffic generated by this use should not be excessive.
2. There will be no apparent damage or nuisance arising from noise, smoke, odor, dust, vibration or illumination.
3. The use appears to be compatible with the building, site and adjacent properties
4. There appears to be a demonstrated need for this use at the proposed location.

**SHOULD THE HEARING OFFICER ELECT TO TAKE AFFIRMATIVE ACTION ON THE REQUEST, THE
FOLLOWING CONDITIONS OF APPROVAL SHOULD APPLY.**

**CONDITION(S)
OF APPROVAL:**

1. All permits and clearances required by the Building Safety Division shall be obtained prior to the use permit becoming effective.
2. The use permit is transferable. Should the business be sold, the new owners must reprocess for administrative review.
3. The use permit is valid for the plans and business operation as submitted to and approved by the Hearing Officer/Board of Adjustment.
4. Any expansion or intensification of use shall require a new use permit to be approved.
5. If there are any complaints arising from the use permit that are verified by a consensus of the complaining party and the City Attorney's office, the use permit will be reviewed by city staff to determine the need for a public hearing set to re-evaluate the appropriateness of the use permit.
6. All required State, County and Municipal permits shall be obtained or the use permit is void.
7. All required permits and clearances shall be obtained from the Audit and Licensing Division of the City of Tempe prior to the use permit becoming effective.
8. All business signs shall be Development Review approved and permits obtained.

HISTORY & FACTS:

November 19, 2002 Hearing Officer approved the use permit request by Body, Mind, Spirit to allow a massage therapist establishment located at 1445 East Guadalupe Road, Suite: 205, in the R/O, Residence / Office District.

DESCRIPTION:

Owner – ABA Office Corporation
Applicant – Caryn Braunstein
Existing Zoning – R/O, Residential/Office District
Total Site Area – 26, 250 s.f. / .60 acres
Total Building Area – 9, 582 s.f.
Suite Area – 483 s.f.

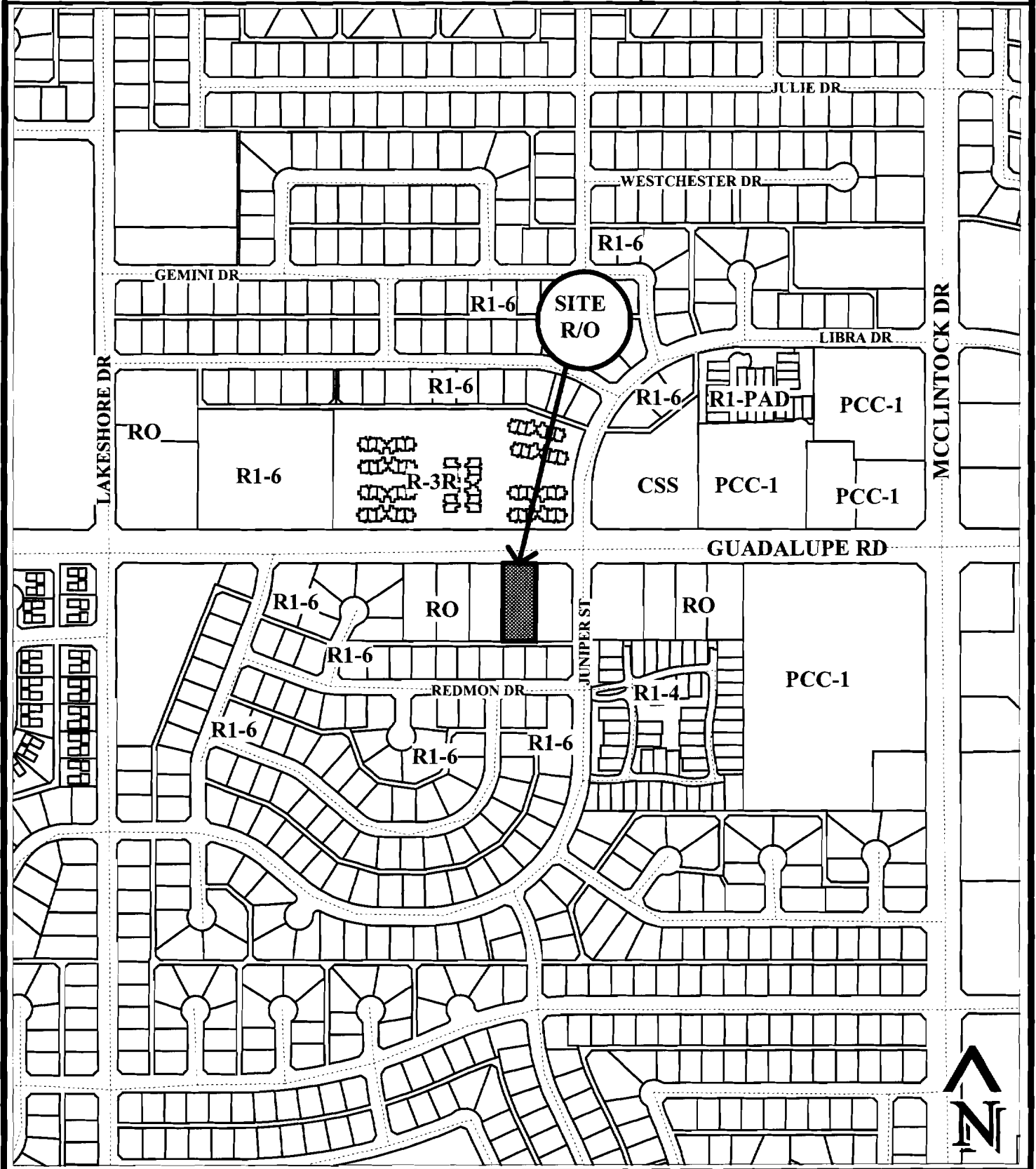
**ZONING AND
DEVELOPMENT
CODE REFERENCE:**

Part 3, Chapter 3, Section 3-302
Permitted Uses in Residential / Office/ Districts

Part 6, Chapter 3, Section 6-308
Use Permit.

BODY ALTER PLLC

PL070381





BODY ALTER PLLC (PL070381)

August 21, 2007

Tempe Planning & Zoning Department
31st East 5th Street
Tempe, AZ 85281

Re: Letter of Explanation

To Whom It May Concern:

Body Alter, PLLC, a massage therapy studio, is applying for a use permit to practice professional massage therapy services in Tempe, Arizona. With this permit, we will open our practice at 1445 E Guadalupe Rd, #201, Tempe, AZ 85283.

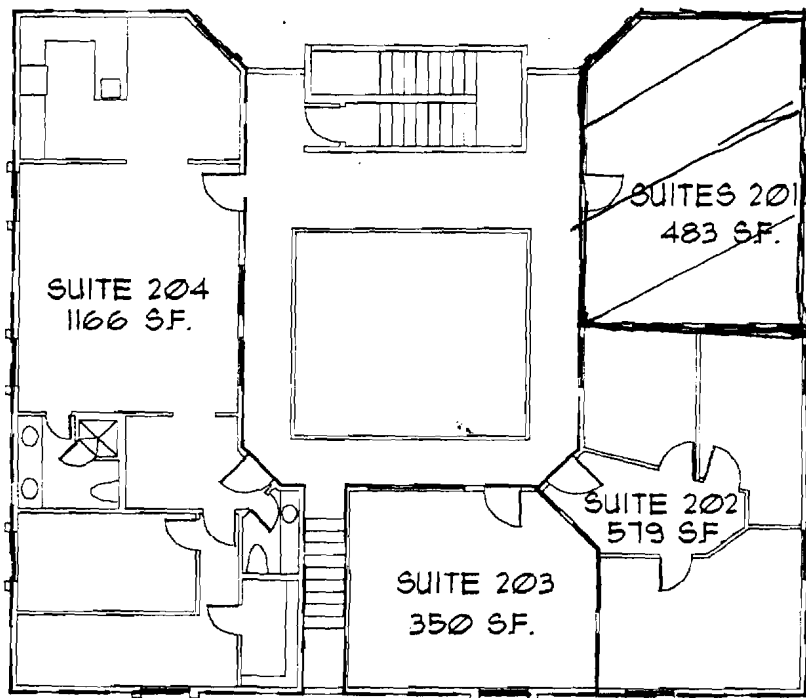
The individuals involved in the running and practice of this business are Caryn Braunstein, LMT, Michele Hetrick, LMT and Barbara Braunstein (business manager). The total number of employees will be three. The hours of operation will be Monday thru Friday 9 am to 8 pm, Saturday 10 am to 6 pm and Sunday 11 am to 3 pm. The modalities practiced at this location will include: Deep Tissue Massage, Ashiatsu Massage and Hot Stone Therapy.

Our business will not cause any increase in traffic in the adjacent areas, nor be a nuisance creating additional odor, dust, gas, noise, vibration, smoke or glare. The business will not deteriorate the neighborhood or be in conflict with the City of Tempe's goals or policies.

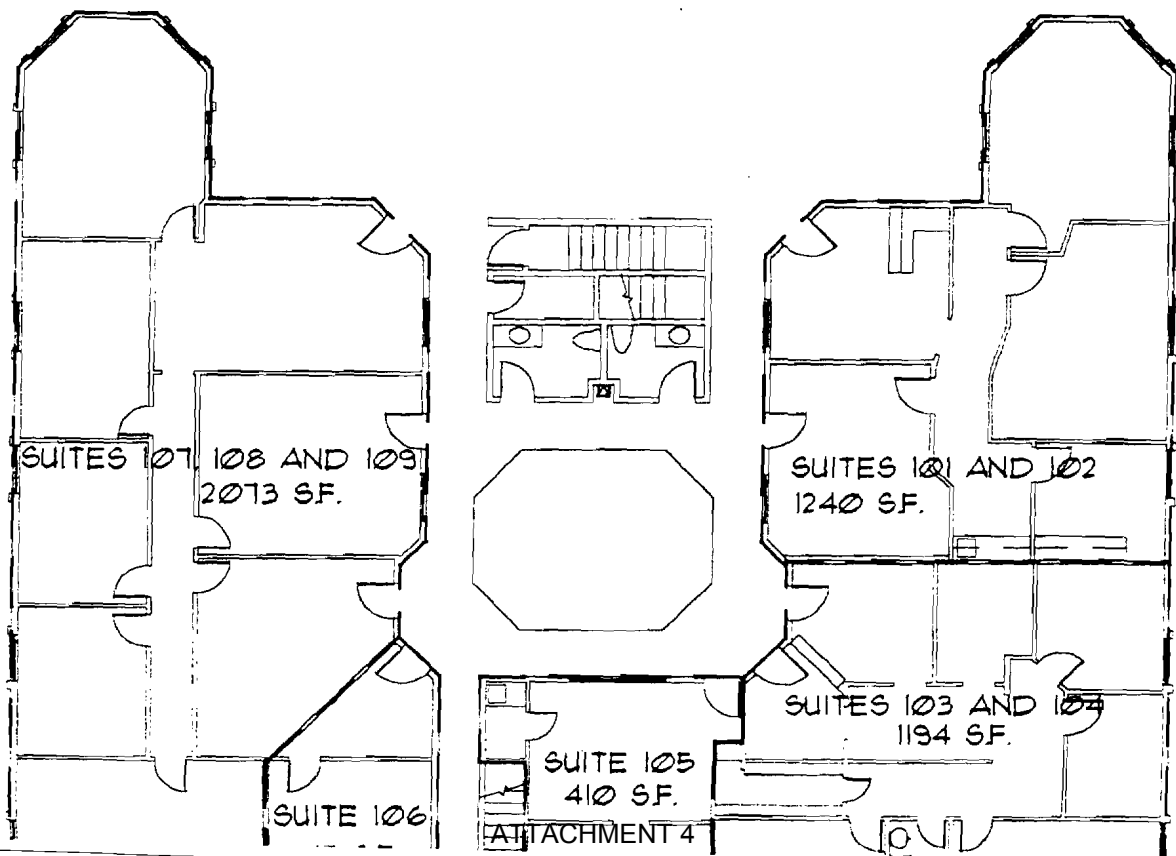
The business will be compatible with the surrounding structures and not result in any disruptive behavior to the surround area or general public.

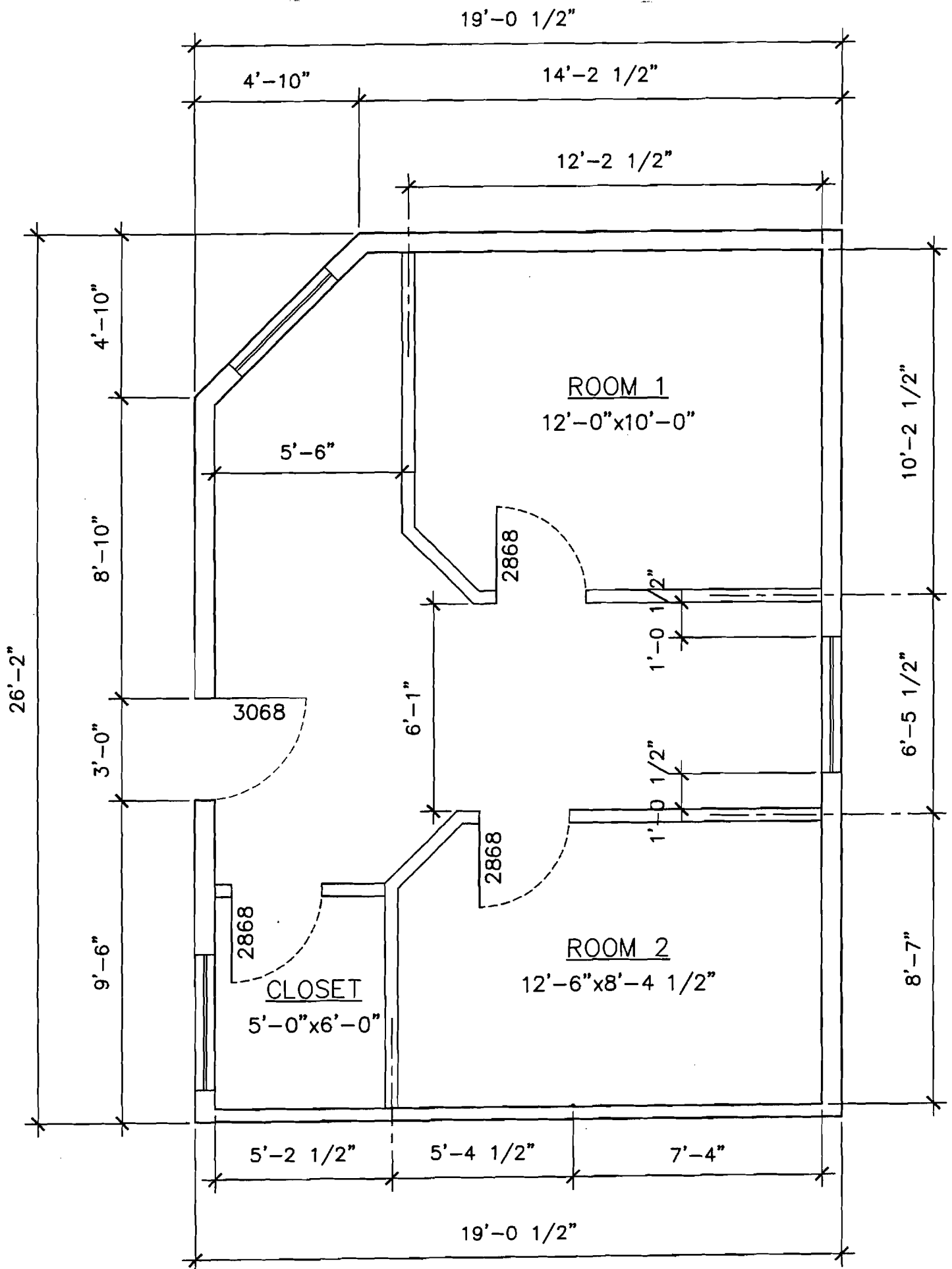
Yours Truly,

Michele Hetrick, LMT
Caryn Braunstein, LMT
Barbara Braunstein



SECOND FLOOR







BODY ALTER PLLC

1445 EAST GUADALUPE ROAD

PL070381

PARKING LOT OF OFFICE : VIEW TO SOUTH



BODY ALTER PLLC

1445 EAST GUADALUPE ROAD

PL070381

**PARKING LOT OF OFFICE : VIEW TO SOUTH
EAST**



BODY ALTER PLLC

1445 EAST GUADALUPE ROAD

PL070381

**PARKING LOT OF OFFICE : VIEW TO SOUTH
WEST**



BODY ALTER PLLC

1445 EAST GUADALUPE ROAD

PL070381

FRONT OF OFFICE : VIEW TO NORTH



BODY ALTER PLLC

1445 EAST GUADALUPE ROAD

PL070381

**PARKING LOT OF OFFICE : VIEW TO REAR OF
BUILDING**